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Decision Letter on Request to Amend South Dakota Accountability Plan

June 29, 2006

The Honorable Rick Melmer
Secretary of Education
South Dakota Department of Education
700 Governors Drive
Pierre, South Dakota 57501-2291

Dear Secretary Melmer:

Thank you for the opportunity to review the proposed amendments to your State accountability plan. The information in this letter presents feedback from Department staff on each of South Dakota's amendment requests and reflects the No Child Left Behind Act of 2001 (NCLB) and final U.S. Department of Education (ED) regulations.

Acceptable amendments

We have reviewed your request to amend the South Dakota accountability plan that was fully approved on August 27, 2004, and found the following amendments acceptable:

- Academic achievement standards - South Dakota added the word "achievement descriptors" to indicate that the Board of Education has approved both standards and descriptors.
- Annual report cards - South Dakota clarified the information presented on its NCLB Report Cards by including attendance rates and graduation rates calculated for district grade spans.
- Rewards and sanctions - South Dakota clarified that a "Distinguished School" and "Distinguished District" must meet the annual targets for the other academic indicator in addition to meeting proficiency and participation targets in reading and math. South Dakota also revised language regarding districts in corrective action that must implement recommendations "as determined by the" South Dakota Secretary of Education.
- Definition of adequate yearly progress (AYP) - South Dakota revised this section to reflect a change in the name of South Dakota's alternate assessment based on alternate achievement standards.
- District accountability - South Dakota clarified that school districts are held accountable for the other academic indicator of attendance rate at the elementary and middle school levels and graduation rate at the high school level. South Dakota clarified that school districts will be held accountable for attendance rates across the K-5 and 6-8-grade spans.
- Inclusion of students with disabilities - South Dakota will use the "proxy method" (Option 1 in our guidance dated December 14, 2005) to take advantage of the Secretary's flexibility regarding calculating AYP for certain students with disabilities. South Dakota will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its

students with disabilities subgroup, South Dakota will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005-06 school year.

- Inclusion of students with disabilities - South Dakota proposes to eliminate the references to their previously approved state-level exception to the 1 percent cap on proficient scores from the alternate assessment based on alternate achievement standards.
- Inclusion of English language learners - South Dakota revised the language to reflect the current name of its English Language Proficiency test and to further clarify inclusion policies based on suggestions from local education stakeholders.
- Graduation rate - South Dakota has accumulated the 4 years of data necessary to implement a cohort graduation rate for schools and districts across the 9-12 grade span. South Dakota will count students who did not graduate with a regular diploma in the denominator.
- Validity of AYP determinations - South Dakota clarified its timeline for the appeals process by redefining business and calendar days.

Amendment under consideration

Additional information is required to determine whether the following amendment is acceptable. Please provide the information requested below regarding new starting points, annual measurable objectives, and intermediate goals based on South Dakota's new math assessments.

- Starting points and Annual Measurable Objectives for AYP - Due to a change in the academic content and achievement standards, as well as the assessments for math, the starting points, intermediate goals and annual measurable objectives for math will be revised during the summer of 2006. Cut scores for the revised math assessment will be set in May 2006. The same procedure for setting the starting point and annual measurable objectives that was used for reading/language arts will be used for math in June 2006. South Dakota may reset its starting points, annual measurable objectives and intermediate goals on the basis of data from its new math assessments and use those starting points to make decisions about AYP for the 2005-06 school year. Please provide South Dakota's starting points, annual measurable objectives, and intermediate goals, based on the new math assessments, on or before September 1, 2006.

Thank you for the opportunity to review the proposed amendments to your State accountability plan. Please make the acceptable changes to your accountability workbook, incorporate the information requested above, and note on the cover page the date submitted and the elements amended. Upon satisfactory review of the workbook, the amended plan will be approved and posted to the Department's website. My staff and I are willing to discuss this feedback with you in greater detail. Abigail Potts (abigail.potts@ed.gov) or Valeria Ford (valeria.ford@ed.gov) can answer any questions you might have about the issues in this letter and how we can help you through this process. We hope this information will be useful to the South Dakota Department of Education as it refines its accountability system to ensure that no child is left behind.

Sincerely,

Henry L. Johnson

cc: Governor Mike Rounds

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